

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 09-31 (As Amended)

Introduced by Council President Boniface at the request of the County Executive
and Council President Boniface and Council Member Shrodes

Legislative Day No. 09-30 Date October 20, 2009

AN ACT to repeal and reenact, with amendments, Subsection F, Recommendation of the Hearing Examiner, of Section 267-9, Board of Appeals, of Article II, Administration and Enforcement; to repeal and reenact, with amendments, Subsection C of Section 267-20, Nonconforming buildings, structures and uses, of Article IV, Nonconforming Lots, Buildings, Structures and Uses; to repeal and reenact, with amendments, Subsection F(3) of Section 267-22, Lots, Subsection C(2), Reduced front yards, of Section 267-23, Yards, and Subsection I(2) of Section 267-29, Landscaping, all of Article V, Supplementary Regulations; to repeal and reenact, with amendments, Subsection C(4) of Section 267-59, B1, B2 and B3 Business Districts, Subsection F of Section 267-62, NRD Natural Resource District, Subsection G(4)(a)[5] of Section 267-63, Chesapeake Bay Critical Area Overlay District, and Subsection H, Chesapeake Science and Security Corridor shopping center approvals, of Section 267-64, Chesapeake Science and Security Corridor, all of Article VII, District Regulations; to repeal and reenact, with amendments, Subsection A(6) of Section 267-68, Approval, of Article VIII, Design Standards for Special Developments; to add new Subsection B(9), Biological products, to Section 267-88, Specific standards; to repeal and reenact, with amendments, Subsection C(2), Civil service clubs and fraternal organizations, of Section 267-88, Specific standards; to add new Subsection

By the Council, October 20, 2009

Introduced, read first time, ordered posted and public hearing scheduled

on: November 17, 2009

at: 7:00 p.m.

By Order: Barbara J. Conner, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on November 17, 2009, and concluded on November 17, 2009.

Barbara J. Conner, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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E(3), Mulch processing, storage and sales, to Section 267-88, Specific standards, all of Article IX, Special Exceptions, of Part 1, Standards; and to repeal and reenact, with amendments, the Permitted Use Chart for the Industrial Use Classification, all of Chapter 267, Zoning, of the Harford County Code, as amended; to correct an error in the reference to calendar days for requesting final argument; to provide for clarification regarding the design standards for nonconforming uses when expanded; to provide for the waiver of the length of a panhandle under certain circumstances; to provide for clarification with respect to minimum yard requirements; to correct an error in the landscape plan in the RO District; to correct the impervious surface requirement in the B1 District; to ~~prohibit~~ limit townhouses in the R1 District under the NRD; to correct the mitigation ratio for clearing in the critical area buffer; to clarify that an ICSC is not permitted in the B1 District in the Chesapeake Science and Security Corridor; to eliminate a redundant pronoun in the special development regulations for Mixed Use Centers; to add language for the conditions for biological products as a special exception in the CI, LI and GI Districts; to correct a typographical error in the standards for institutional uses as a special exception; to add language for the conditions for mulch processing, storage and sales as a special exception in the AG District; and generally relating to zoning.

By the Council, October 20, 2009

Introduced, read first time, ordered posted and public hearing scheduled

on: November 17, 2009

at: 7:00 p.m.

By Order: _____, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. Be It Enacted By The County Council of Harford County, Maryland that Subsection F,
2 Recommendation of the Hearing Examiner, of Section 267-9, Board of Appeals, of Article II,
3 Administration and Enforcement, be, and it is hereby, repealed and reenacted, with amendments; that
4 Subsection C of Section 267-20, Nonconforming buildings, structures and uses, of Article IV,
5 Nonconforming Lots, Buildings, Structures and Uses, be, and it is hereby, repealed and reenacted,
6 with amendments; that Subsection F(3) of Section 267-22, Lots, Subsection C(2), Reduced front
7 yards, of Section 267-23, Yards, and Subsection I(2) of Section 267-29, Landscaping, all of Article
8 V, Supplementary Regulations, be, and they are hereby, repealed and reenacted, with amendments;
9 that Subsection C(4) of Section 267-59, B1, B2 and B3 Business Districts, Subsection G(4)(a)[5] of
10 Section 267-63, Chesapeake Bay Critical Area Overlay District, and Subsection H, Chesapeake
11 Science and Security Corridor shopping center approvals, of Section 267-64, Chesapeake Science
12 and Security Corridor, all of Article VII, District Regulations, be, and they are hereby, repealed and
13 reenacted, with amendments; that Subsection A(6) of Section 267-68, Approval, of Article VIII,
14 Design Standards for Special Developments, be, and it is hereby, repealed and reenacted, with
15 amendments; that new Subsection B(9), Biological products, be, and it is hereby, added to Section
16 267-88, Specific standards; that Subsection C(2), Civil service clubs and fraternal organizations, of
17 Section 267-88, Specific standards, be, and it is hereby, repealed and reenacted, with amendments;
18 that new Subsection E(3), Mulch processing, storage and sales, be, and it is hereby, added to Section
19 267-88, Specific standards, all of Article IX, Special Exceptions, of Part 1, Standards; and that the
20 Permitted Use Chart for the Industrial Use Classification, be, and it is hereby, repealed and reenacted,
21 with amendments, all of Chapter 267, Zoning, of the Harford County Code, as amended, and all to
22 read as follows:

23 **Chapter 267. Zoning**

24 **Part 1. Standards**

25 **Article II. Administration and Enforcement.**

26 **§ 267-9. Board of Appeals.**

F. Recommendation of the Hearing Examiner. The recommendation of the Hearing Examiner shall be deemed to be adopted by the Board, unless final argument is requested within 20 [calendar] days from the date of the written recommendation.

Article IV. Nonconforming Lots, Buildings, Structures and Uses

§ 267-20. Nonconforming buildings, structures and uses.

C. Residential uses, when located in an industrial district may be enlarged or replaced, provided that at no time is the square footage of the residential use at the time of the creation of the nonconformity increased by more than 50%. Expansion is permitted, provided that no such addition shall extend closer to any lot line than existing building surfaces or the required yard dimensions [for the district] SET OUT IN THE R4 DESIGN STANDARDS, whichever is less.

Article V. Supplementary Regulations

§ 267-22. Lots.

F. Panhandle-lot requirements. Panhandle lots shall be permitted for agricultural and residential uses, to achieve better use of irregularly shaped parcels, to avoid development in areas with environmentally sensitive features or to minimize access to collector or arterial roads, subject to the following requirements:

- (3) Panhandles shall be a maximum of 700 feet in length. A common drive shall be constructed to serve any group of 4 or less panhandle lots. Driveways for all panhandle lots shall access from the common drive. Frontage lots may be required to share in the common drive. THE DIRECTOR OF PLANNING MAY WAIVE THE LENGTH OF A PANHANDLE TO A MAXIMUM OF 1,000 FEET IF THE PROPERTY CONTAINS UNUSUAL ACCESSIBILITY, TOPOGRAPHIC, ENVIRONMENTAL

OR OTHER PHYSICAL CONSTRAINTS.

§ 267-23. Yards.

C. Exceptions and modifications to minimum yard requirements.

(2) Reduced front yards. The minimum front yard requirements of this Part 1 may be reduced in accordance with the following:

(a) Open space or court. When dwelling units are designed to front on open space or a courtyard, rather than a parking area or road, the front yard setback, which is like a side yard, may be reduced [to a minimum of] UP TO 10 feet, provided that the dwelling units are adjacent to a local road and the open space or courtyard extends for the length of the structures and has a minimum building-to-building width of 40 feet.

(b) Group parking. When off-street group parking is provided for 3 or more dwelling units, and each dwelling unit is designed without a parking pad or garage, the front yard setback may be reduced UP to 15 feet for single-family detached and UP TO 10 feet for all other dwelling units.

(c) [No garage, side] SIDE garage or rear garage. When dwelling units are designed with [no garage, or] a garage that completely faces the side or rear lot line, the front yard setback may be reduced [to a minimum of] UP TO 10 feet.

§ 267-29. Landscaping.

I. Landscaping standards by zoning district or development type.

(2) Residential Office District (RO). Lawn and landscaped areas shall be maintained to preserve the residential character of the area. Landscaped buffer yards shall be planted in harmony with adjoining residences and in accordance with this section. [A landscaping plan shall be submitted to the Board for review and approval.]

Article VII. District Regulations

§267-59. B1, B2 and B3 Business Districts.

C. Specific regulations. The following uses are permitted in each business district, subject to the additional requirements below:

(4) Lot coverage. The building coverage and impervious surface standards shall be as follows:

Maximum Building Coverage (percent of total lot)			
District	Individual Uses or Shopping Center	Integrated Community Shopping Center	Maximum Impervious Surface For All Uses (percent of total lot)
B1	25%	N/A	[85%] 80%
B2	30%	40%	85%
B3	35%	45%	85%

Note: The maximum building coverage and impervious surface shall be reduced where required by the Chesapeake Bay Critical Area or Water Source Protection Districts.

§ 267-62. NRD Natural Resource District.

F. Development adjustment. If more than 30% of a parcel zoned residential is within this district, or is included as a habitat protection area within the Chesapeake Bay Critical Area, the housing types and design requirements, excluding gross density, of the next most dense residential district shall apply, provided that sensitive environmental features on the site are protected. ~~IN~~

~~NO EVENT, HOWEVER, SHALL TOWNHOUSES BE PERMITTED IN THE R1 DISTRICT IN THE R1 DISTRICT IF TOWNHOUSES ARE PART OF THE PROJECT, TOWNHOUSES SHALL NOT EXCEED 50% OF THE TOTAL NUMBER OF UNITS PROPOSED, THE TOTAL OPEN SPACE SHALL NOT BE LESS THAN 50% OF THE SITE, A MINIMUM OF 10% OF THE REQUIRED OPEN SPACE SHALL BE ACTIVE OPEN SPACE NOTWITHSTANDING THE REQUIREMENTS CONTAINED IN § 267-31B(1) WITH RESPECT TO THE PERCENTAGE OF ACTIVE OPEN SPACE, AND THE VARIATION IN TOWNHOUSE AND MULTIPLEX WIDTH AS PROVIDED IN § 267-55C(2)(K) SHALL NOT APPLY.~~

§ 267-63. Chesapeake Bay Critical Area Overlay District.

G. Habitat protection areas.

(4) Specific provisions. Activities affecting particular habitat protection areas shall comply with the following requirements:

(a) Critical area buffer.

[5] Except as specified below, any clearing of vegetation or removal of trees within the buffer is prohibited unless a buffer management plan is submitted and approved by the Department of Planning and Zoning prior to any clearing or removal. Any violation of this section shall require mitigation at a ratio of [2:1.] 3:1.

§ 267-64. Chesapeake Science and Security Corridor.

H. Chesapeake Science and Security Corridor shopping center approvals. An ICSC shall be

permitted in the [B1,] B2, B3 and CI Districts in the Chesapeake Science and Security Corridor. For the properties within the Chesapeake Science and Security Corridor, the approval for location of an ICSC by the Board of Appeals shall be required only when the gross floor area exceeds 100,000 square feet. The development plans for shopping centers in the Chesapeake Science and Security Corridor shall be reviewed and approved by the Director of Planning with regard to site design and architectural compatibility.

Article VIII. Design Standards for Special Developments

§ 267-68. Approval.

A. Administrative approval. The following special developments shall be subject to review and approval by the Director of Planning:

(6) Mixed use centers in the [Chesapeake Science and Security Corridor and the] development envelope, as defined on the most recent land use plan.

Article IX. Special Exceptions

§ 267-88. Specific standards.

The special exceptions enumerated herein, in addition to other conditions as may be imposed by the Board, shall comply with the following requirements:

B. Industrial uses.

(9) BIOLOGICAL PRODUCTS. THESE USES MAY BE GRANTED IN THE CI, LI AND GI DISTRICTS, PROVIDED THAT:

(A) A MINIMUM PARCEL AREA OF 5 ACRES IS REQUIRED.

(B) A TYPE "E" BUFFER, PURSUANT TO § 267-30 (BUFFER YARDS),

SHALL BE PROVIDED ALONG ANY BOUNDARY WITH AN
ADJACENT RESIDENTIAL LOT.

(C) STRUCTURES SHALL BE DESIGNED SO AS TO ENSURE THAT THE
ACTIVITIES CONDUCTED THEREIN WILL NOT ENDANGER THE
PUBLIC HEALTH AND SAFETY.

C. Institutional uses.

(2) [Civil] CIVIC service clubs and fraternal organizations. These uses may be granted in
the AG, RR, R1, R2, R3, R4 and VR Districts, provided that:

(a) Any building shall be at least 100 feet from any adjacent residential lot and at
least 50 feet from any other lot line. The front yard depth shall be at least 25
feet, except along roads with 80-foot rights-of-way or more, where the front
yard depth shall be at least 50 feet.

(b) Total building coverage shall not be more than 30% of the parcel area.

(c) No parking area shall be located in any required front yard.

(d) A Type "D" buffer, pursuant to § 267-30 (Buffer yards), shall be provided
along any boundary with an adjacent residential lot.

E. Natural resource uses.

(3) MULCH PROCESSING, STORAGE AND SALES. THESE USES MAY BE
GRANTED IN THE AG DISTRICT, PROVIDED THAT:

(A) A MINIMUM PARCEL AREA OF 10 ACRES IS REQUIRED.

(B) STORAGE AREAS ARE FULLY BUFFERED FROM VIEW OF PUBLIC

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- 1 (A) A MINIMUM PARCEL AREA OF 10 ACRES IS REQUIRED.
- 2 (B) STORAGE AREAS ARE FULLY BUFFERED FROM VIEW OF PUBLIC
- 3 ROADS AND NEIGHBORING RESIDENCES BY MEANS OF A SOLID
- 4 FENCE OR WALL AT LEAST 8 FEET HIGH.
- 5 (C) A TYPE "E" BUFFER YARD (SEE § 267-30 (BUFFER YARDS)) SHALL
- 6 BE PROVIDED ALONG ANY ADJACENT ROAD RIGHT-OF-WAY OR
- 7 ADJACENT PROPERTY.
- 8 (D) NO WOOD PRODUCTS SHALL BE PILED MORE THAN 6 FEET HIGH
- 9 OR ABOVE THE LEVEL OF THE BUFFERING, WHICHEVER IS
- 10 GREATER.

11 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date

12 it becomes law.

EFFECTIVE: January 22, 2010

*The Council Administrator does hereby certify that
fifteen (15) copies of this Bill are immediately available for
distribution to the public and the press.*



Council Administrator

USE CLASSIFICATION	ZONING DISTRICTS															
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Ordinance and accessories (SIC-348)														SE	P	
Paper and allied products (SIC-26), unless otherwise listed															SE	
Paper bond containers and boxes (SIC-265)													P	P	P	
Perfumes, cosmetics and other toilet preparations (SIC-2844)													P	P	P	
Petroleum and coal products (SIC-29), unless otherwise listed													P		P	
Petroleum refining (SIC-291)															SE	
Pharmaceutical preparation (SIC-2834)													P	P	P	P
Preserved fruits and vegetables (SIC-203)	P												P	P	P	
Primary metal industries (SIC-33), unless otherwise listed													P		P	
Primary smelting and refining (SIC-333)															P	
Printing and publishing (SIC-27), unless otherwise listed												P	P	P	P	
Reclaimed rubber (SIC-3031)															P	
Recycling Center															P	
Rubber & misc. plastic products (SIC-30), unless otherwise listed													P	P	P	
Secondary smelting and refining (SIC-334)															P	
[Small arms ammunition]														[SE]	[SE]	
Stone, clay and glass products (SIC-32), unless otherwise listed	SD													P	P	

PERMITTED USE CHARTS

<p>(1) Indicates permitted in the Edgewood Neighborhood Overlay District (ENOD) only.</p> <p>(2) RO - maximum of 4 units.</p> <p>(3) Indicates permitted in the Chesapeake Science and Security Corridor (CSSC) only.</p> <p>(4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.</p>

KEY:	
"P"	indicates permitted subject to applicable code requirements
"SD"	indicates permitted subject to special-development regulations, pursuant to Article VIII.
"SE"	indicates permitted subject to special-exception regulations, pursuant to Article IX.
"T"	indicates permitted subject to temporary-use regulations, pursuant to § 267-28 (temporary uses).
	A blank cell indicates that the use is not permitted.
"SE*"	indicates permitted subject to special-exception regulations, pursuant to Article XI.

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**BILL NO. 09-31
As Amended**

HARFORD COUNTY BILL NO. 09-31 As Amended

Brief Title Zoning Code Corrections-Industrial Permitted Use Chart

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. O'Connor
Council Administrator

Date November 17, 2009

ENROLLED

Billy Boniface
Council President

Date November 17, 2009

BY THE COUNCIL

Read the third time.

Passed: LSD 09-33

Failed of Passage: _____

By Order

Barbara J. O'Connor
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 18th day of November, 2009 at 3:00 p.m.

Barbara J. O'Connor
Council Administrator

BY THE EXECUTIVE

David R. Craig
COUNTY EXECUTIVE

APPROVED: Date November 23, 2009

BY THE COUNCIL

This Bill No. 09-31 As Amended, having been approved by the Executive and returned to the Council, becomes law on November 23, 2009.

EFFECTIVE DATE: January 22, 2010

Barbara J. O'Connor
Barbara J. O'Connor
Council Administrator

**BILL NO. 09-31
As Amended**